

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: CHERRY LANE ESTATES PHASE 2
SHORT PLAT

Case Number: PLD2006-00072; SEP2006-00133

Location: NE 142nd Avenue north of NE 100th Street

Request: The applicant is proposing to divide approximately 1.8 acres into 4 single-family residential lots for a property located in the R1-10 zone.

Applicant: William Maitland
13511 SE Rivercrest Drive
Vancouver, WA 98683
(360) 609-1110; (360) 256-5771 [Fax]

Contact Person: MacKay & Sposito, Inc.
Attn: Bob Sable
1325 SE Tech Center Drive, Suite 140
Vancouver, WA 98683
(360) 695-3411; (360) 695-0833 [Fax]
bsable@mackaysposito.com

Property Owner: Same as applicant

DECISION **Approve subject to Conditions**

Team Leader's Initials: _____ **Date Issued:** September 16, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Justin McConachie	5993	justin.mcconachie@clark.wa.gov

Engineer : (Trans. & Stormwater):	Doug Boheman	4219	doug.boheman@clark.wa.gov
Engineer : (Trans. Concurrency):	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UL (Urban Low Density Residential)

Zoning: R1-10

Parcel Number(s): Tax Lots 72 (200370-000) and 78 (200376-000), located in the Southwest Quarter of Section 35, Township 3 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) Sections: 15.12 (Fire Code); 40.220.010 (Single-Family Residential District); 40.350 (Transportation); 40.350.020 (Transportation Concurrency); 40.380 (Stormwater Drainage and Erosion Control); 40.500 and 40.510 (Procedures); 40.510.030 (Type II Process); Chapter 40.570 (SEPA); 40.550.020 (Variances), 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Greater Brush Prairie Neighborhood Association

Sam Kim, President

14915 NE 126 Avenue

Brush Prairie, WA 98606

896-7119

E-mail: brushprairie@comcast.net

Time Limits:

The application was determined to be fully complete on June 30, 2006. Therefore, the County Code requirement for issuing a decision within 78 days lapses on September 16, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on October 28, 2006.

Vesting:

An application is reviewed against the short plat, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 25, 2005. The pre-application conference information was sufficiently complete to qualify for contingent vesting. The application was determined Fully Complete on June 30, 2006, but it was not submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the vesting date is June 26, 2006 (i.e., the fully complete application submittal date).

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, The Greater Brush Prairie Neighborhood Association and property owners within 300 feet of the site on July 14, 2006. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on July 14, 2006.

Public Comments:

In response to notice no public comments were received.

Project Overview

The subject property is located on NE 142nd Avenue north of NE 100th Street. No structures are currently located on the property. A storm water facility is located on the western portion of the property and services the subdivision to the south.

The site is bound by single family residential dwellings to the south, properties with urban holding overlay zoned R1-5 to the north and east, and a property with urban holding overlay zoned MX to the west containing a single family residence.

The applicant is proposing to divide an approximately 1.8 acre property in the R1-10 zone into four (4) single-family residential lots. Parcels range in size from 10,049 square feet to 10,919 square feet.

The proposed plan [*Exhibit 1, Page 1*] calls for Lots 2, 3 & 4 to be served by a 20 foot private easement that provides access from the temporary cul-de-sac bulb on NE 142nd Avenue.

The site is located within the Battle Ground School District, Fire District #5, and Park District #5.

The Comprehensive Plan designation, zoning and current land uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	R1-10	Vacant
North	Urban Low/ Urban Holding	R1-5	Large Undeveloped Lots
East	Urban Low/ Urban Holding	R1-5	Large Undeveloped Lot
South	Urban Low Density Residential	R1-10	Single Family Dwellings
West	Mixed Use/ Urban Holding	MX	Single Family Dwelling

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1– Lot Standards

CCC 40.220.010(C) provides the standards for developing a short plat in a designated R1-10 zone. Parcels resulting from the proposed land division must comply with the minimum lot area of 10,000 square feet and the maximum average lot area of 15,000 feet (Table.220.010-2). The lot width and depth requirements of the R1-10 zoning district are a minimum average lot width of 80 feet and a minimum average lot depth of 90 feet.

A review of lots sizes noted on the proposed plan [*Exhibit 1, Page 1*] reveals the short plat complies with the maximum lot area standards, and has an average lot size of 10,410 square feet. The proposed average lot depths meet the requirements. The average lot width does not meet the 80 foot requirement on all four lots. However, prior to submittal of the preliminary application materials, the applicant applied for and was approved for variance to allow for a 73 foot average lot width (VAR2005-00025).

Finding 2 – Setbacks/Lot Coverage

The applicable setbacks for each lot within a R1-10 zone development are as follows:

Front:	20 feet
Side (street):	10 feet
Side (interior):	5 feet
Rear:	5 feet

The plan indicates a 5 foot setback will be applied to the south side of the lots adjacent to the common access easement. In the urban single family residential districts, a common access easement is not considered a “road” for the purposes of establishing side yard setbacks as long as the lots have no direct access from the easement. A plat note identifying this requirement will be necessary. (*See Condition D-3-a*) As a result, a 5-foot setback is allowed. (*See Condition D-3-b*)

Per Section 40.200.070.B.3, Lot 1 does not appear to meet the required 10-foot setback standard for temporary turnaround easements. A 10-foot front setback will be required for Lot 1. (*See Condition D-3-c*) All other building envelopes indicated in the plan meet all of the other setback requirements. In order to avoid confusion at the time of building permit issuance, building envelopes shall identify distances to all property lines. (*See Condition D-6*)

The maximum lot coverage by buildings constructed on individual lots is fifty percent (50%). In addition, maximum building height in the R1-10 zone is 35 feet. (*See Condition D-3-d*)

Finding 3 – Mobile/Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed short plat. As a result, pursuant to CCC

40.260.130(A)(2), manufactured homes are prohibited on any lot in this plat. (See *Condition D-3-e*)

Finding 4 – Fence Encroachments

A boundary survey for the site shows apparent fence encroachments at the northeast corner of the site, and along the boundary line just east of the storm water utility easement. The fence intrudes only slightly onto the development site in those two locations, and will have minimal impact on the proposed short plat. Based on information submitted with the application packet, it is unclear whether ownership of these two areas are under dispute. This situation needs to be resolved prior to filing of the final plat. (See *Condition D-1*)

Finding 5 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residence to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The preliminary plat proposes a joint access driveway to provide access to the three westerly lots. Sidewalks and bike lanes are not required for joint use driveways. A temporary cul-de-sac exists at the east end of the site and is proposed to remain as a temporary cul-de-sac for the development of this site. When the parcel to the north develops the temporary cul-de-sac will be removed and curb, gutter and sidewalk will be installed in accordance with urban neighborhood circulator road requirements. Based upon this information, staff finds that the proposed pedestrian circulation can comply with Section CCC 40.350.010.

Finding 2 – Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed short plat, and allow future developments to meet the cross circulation standards. A stormwater facility for Cherry Lane Phase I, the development south of the site, is located at the westerly portion of the site; thereby precluding access to the adjacent westerly parcel which is currently located within an Urban Holding overlay zone. When the parcel to the north (also within an

Urban Holding overlay) develops, the temporary cul-de-sac will be removed and curb, gutter and sidewalk will be installed in accordance with urban neighborhood circulator road requirements. Likewise, if the parcel in an Urban Holding overlay to the east of the site develops the applicant would have the obligation to remove the temporary cul-de-sac and install urban road improvements in accordance with the urban neighborhood circulator road requirements. Based upon this information, staff finds that the circulation requirements complies with CCC 40.350.030(B)(2).

Finding 3 – Roads

NE 142nd Avenue, abutting the site on the east, is classified as an urban neighborhood circulator road. The minimum right-of-way (ROW) dedications and improvements for this road, in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14 include:

- a. A minimum full-width ROW of 54 feet.
- b. A minimum full-width roadway of 36 feet.
- c. Curb/gutter, minimum width sidewalk of 5 feet.

The existing temporary cul-de-sac at the northerly terminus of NE 142nd Avenue will remain until properties to the north and/or east develop. Appropriate right-of-way will be dedicated with this plat to Clark County for 142nd Avenue, and the remaining areas of the temporary bulb will be placed in temporary road easements. The future required public improvements along NE 142nd Avenue will also include a driveway approach at the entrance of the joint use driveway in accordance with Standard Details Manual, Drawing #F16 and a residential driveway approach for proposed Lot 1. Removal of the temporary cul-de-sac and the above stated improvements will be the obligation of the developer of the parcels to the north and/or the east of the subject property.

The preliminary plat shows the proposed 16 foot wide on-site joint use driveway within a 20 foot access easement. The proposed joint use driveway appears to meet the minimum improvements in accordance with CCC 40.350.030(B)(4)(b)(2).

Finding 4 – Access

The geometry of the proposed hammerhead turnaround does not meet the dimensions as shown on CC Dwg. #32B. A distance of 60 feet is shown for the approach lane into the hammerhead while the preliminary short plat scales to approximately 35 feet. This distance is from centerline to centerline of the hammerhead to the projection of the cross street curb line at the beginning of the hammerhead approach. Prior to final plat approval, the applicant shall provide an alternate hammerhead plan acceptable to the County Fire Marshal. As an alternative, the applicant can make application for a Post Decision to receive Road Modification approval for the hammerhead turnaround design shown on the proposed preliminary plan [*Exhibit 1, Page 1*] or provide approved fire sprinklers in all residential units on lots 3 and 4. (*See Condition A-1-a*)

Conclusion (Transportation):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff

concludes that the proposed preliminary transportation plan, subject to conditions, meets the requirements of the county transportation ordinance.

TRANSPORTATION CONCURRENCY:

Finding 1 – Concurrency

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B.

Staff has determined that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Conclusion (Concurrency):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential short plats in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2,000 square feet of new impervious surface, involves platting of single-family residential short plat, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

The preliminary stormwater design report indicates that this proposed development will increase impervious surface by 0.47 acres including 6,000 square feet for roof areas, 12,637 square feet for the joint use driveway, and 1,600 square feet for the four 20-foot by 20-foot driveways to the new lots. The proposed new homes will be required to infiltrate roof runoff into the proposed infiltration trench, but will not be required to treat

the roof runoff. Since the project produces more than 2,000 square feet of new impervious surface, the proposed short plat is required to comply with the water quality and quantity regulations of the county's development code [CCC40.380]. In order to satisfy this requirement, the applicant is proposing stormwater facilities to provide full infiltration for a 100-year, post development storm for treating runoff from the new access road. The applicant will be required to provide a final storm drainage report that provides complete narrative and calculation regarding how this will be accomplished. (See Condition A-3-a)

The proposed short plat shall treat 70% of the 2 year post developed stormwater runoff from all newly created pollution generating impervious surfaces. The stormwater quality facilities shall be properly sized to accomplish this. (See Conditions A-3-b)

Finding 3 – Infiltration

The project proposes to utilize infiltration as a method of stormwater quantity control for the new impervious surfaces being created for this development. According to the Stormwater & Erosion Control Ordinance (CCC 40.380), infiltration of the 100-year storm event is the preferred method for stormwater disposal from the developed site. Natural Resource Conservation Service mapping shows the site to be underlain by 98% Sifton soil (SvA) designated as A-1 soils and 2% Lauren (LgB) also designated as A-1 soils in accordance with AASHTO classification. Both Sifton and Lauren soils are designated as hydrologic group "B".

The applicant has submitted an infiltration testing report for this site performed by Ash Creek Associates, Inc., dated June 16, 2006. The infiltration test consisting of 2 test pits was conducted on March 15, 2006. The test pits TP-2 and TP-3 are shown in Figure 2 of Infiltration Testing Report, Exhibit 2. Gradation tests performed on March 15, 2006 include grain distribution analyses and AASHTO Specification M145 soil classification as required per stormwater ordinance. In accordance with the provisions of CCC 40.380.40(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration.

The test data, which include onsite observed infiltration rates, are summarized in the following table:

Date	Test Pit	% Passing #200 Sieve	AASHTO Soil Classification	Infiltration Rate (inches/hour) Groundwater Info
3/15/06	TP-2	7.3	A-1-a	12 in./hr. Bottom at 4.5 feet below ground surface. Groundwater encountered.
3/15/06	TP-3	10.4	A-1-a	8 in./hr. Bottom at 19 feet below ground surface. Groundwater encountered.

The infiltration testing report states that the results of their analysis indicates that the excess head created by the infiltration structure dissipates within 15 feet laterally of the edge of the structure. As such, the proposed infiltration structure should not result in

off-site groundwater mounding.

Finding 4 – Site Conditions and Stormwater Issues

The property is 1.63 acres in area with slopes of 0-5% over 100% of the parcel. An infiltration pond that serves Phase 1 of the Cherry Lane Estates currently exists in the westerly portion of the site. The undeveloped portion of the site (the area to be platted into new lots) consists primarily of open field with ground cover of spotty grass and weeds.

Finding 5 – Feasibility of Infiltration as a Method of Stormwater Disposal

In accordance with CCC 40.380.040(C)(3), the measured infiltration rate shall be equal to or greater than eight (8) inches per hour. The design of the infiltration systems using a minimum factor of safety of two (2) shall be based on the lowest test rate. However, due to the concerns regarding variations in permeability of soils and groundwater elevation, a higher factor of safety may be required. Design Infiltration rates and factor of safety are important criteria in sizing infiltration systems to ensure desired performance in these types of soils during the wet-weather season when the infiltration facilities are expected to perform at full capacity. (See *Condition A-3-c*)

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See *Condition E-1*)

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site estimated at 1,500 gpm. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See *Condition D-4*)

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated new fire hydrant is adequate. The local fire district chief approves the exact locations of fire hydrants. Contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. (See *Condition A-6-a*)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See *Condition A-6-b*) The applicant shall provide and maintain a three-foot clear space completely around every fire hydrant. (See *Condition A-6-c*)

Finding 5 – Access

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are not adequate. The applicant shall provide a turnaround constructed in accordance with the Clark County Road Standards at the West terminus or provide approved fire sprinklers in all residential units in lots 3 and 4. (See *Condition A-6-d*)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1

The site will be served by the Vancouver water and sewer districts. Letters from the above districts confirm that services are available to the site. A condition to ensure the connections are completed will be included. (See *Condition D-5*)

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See *Condition A-5*)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic (TIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Battle Ground School District with a SIF of \$3,000.00 per dwelling;
- Park District #5 with a PIF of \$1,799.00 per dwelling (\$1,359.00 for acquisition and \$440.00 for development);
- Orchards sub-area with a TIF of \$1,439.81 per dwelling.

Impact fees shall be paid prior to issuance of building permits for each new lot. (See *Conditions D-2-e and E-2*) If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 14, 2006 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Justin McConachie, (360) 397-2375, ext. 5993.
Susan Ellinger, (360) 397-2375, ext. 4272.

Responsible Official: Michael V. Butts

DECISION

Based upon the proposed plan (identified as Exhibit 1, Page 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Plat Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. Prior to final plat approval, the applicant shall provide an alternate hammerhead plan acceptable to the County Fire Marshal. As an alternative, the applicant can make application for a Post Decision to receive Road Modification approval for the hammerhead turnaround design shown on the proposed preliminary plan [*Exhibit 1, Page 1*] or provide approved fire sprinklers in all residential units on lots 3 and 4. (*See Transportation Finding 4*)

A-2 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-3 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall provide a final storm drainage report providing a complete narrative and calculations demonstrating how the project provides full infiltration for all newly created impervious surfaces for the 100-year, post development storm. (*See Stormwater Finding 2*)
- b. The stormwater quality facilities shall be properly sized to treat 70% of the 2 year post developed stormwater runoff from all newly created pollution generating impervious surfaces. (*See Stormwater Finding 2*)

- c. The design of the infiltration systems using a minimum factor of safety of two (2) shall be based on the lowest test rate. However, due to the concerns regarding variations in permeability of soils and groundwater elevation, a higher factor of safety may be required. (See *Stormwater Finding 5*)

A-4 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-5 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See *Water & Sewer Finding 2*)

A-6 Fire Marshal Requirements:

- a. The local fire district chief approves the exact locations of fire hydrants. Contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. (See *Fire Protection Finding 4*)
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See *Fire Protection Finding 4*)
- c. The applicant shall provide and maintain a three-foot clear space completely around every fire hydrant. (See *Fire Protection Finding 4*)
- d. The applicant shall provide a turnaround constructed in accordance with the Clark County Road Standards at the west terminus or provide approved fire sprinklers in all residential units in lots 3 and 4. (See *Fire Protection Finding 5*)

A-7 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development
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	Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 None

D	Final Plat Review & Recording
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	Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Evidence shall be submitted demonstrating resolution regarding ownership of the two pieces of land between established fence lines and actual property lines along the northeast corner of the site and along the boundary line just east of the storm water facility or these areas should be excluded from the project boundaries. (*See Land Use Finding 4*)

D-2 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control: - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance

Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- d. Archaeological: "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- e. Impact Fees: "In accordance with CCC 40.610 the School, Park and Traffic Impact Fees for each dwelling in this short plat are: \$3,000.00 (Battle Ground School District), \$1,799.00 (\$1,359.00 - Acquisition; \$440.00 - Development for Park District #5), and \$1,439.81 (Orchards TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-3 Plat Notes - The following notes shall be placed on the final plat:

- a. Lots 1 – 4 shall not obtain direct access from the 20-foot access easement situated along the southern property line. (*See Land Use Finding 2*)
- b. A 5-foot setback from access easement along the south boundary is allowed for structures constructed on Lots 1-4. (*See Land Use Finding 2*)
- c. A 10-foot front yard setback from the temporary turnaround is required for structures constructed on Lot 1 until such time as the turnaround is removed. (*See Land Use Finding 2*)
- d. Dwellings and other structures on lots within this plat shall be constructed in accordance with height restrictions, lot coverage, and

other applicable standards for the R1-10 zone set forth in CCC 40.220.010. (See *Land Use Finding 2*)

- e. Mobile Homes: "Mobile homes are prohibited on all lots subject to the requirements of CCC 40.260.130." (See *Land Use Finding 3*)
- f. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages where required".
- g. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- h. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- i. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."

D-4 Fire Marshal Requirements - Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See *Fire Protection Finding 3*)

D-5 Prior to final plat approval, the applicant shall provide documentation from the utilities indicating that water and sewer connections have been installed and approved. (See *Water & Sewer Service Finding 1*)

D-6 Building envelopes shall identify distances to all property lines. (See *Land Use Finding 2*)

E	Building Permits
	Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

E-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See *Fire Protection Finding 2*)

E-2 Impact Fees - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

- a. \$3,000.00 per dwelling for School Impact Fees (Battle Ground School Dist.)
- b. \$1,799.00 per dwelling for Park Impact Fees (\$1,359.00 – Acquisition; \$440.00 – Development for Park District #5);
- c. \$1,439.81 per dwelling for Traffic Impact Fees (Orchards TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 15, 2006. Therefore any appeal must be received in this office by 4:30 PM, September 29, 2006.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:

- That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
- The specific aspect(s) of the decision being appealed;
- The reasons why each aspect is in error as a matter of fact or law;
- The evidence relied on to prove the error; and,
- The appeal fee of **\$1,021**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>